



Following a meeting of the Board held on the 4th of July 2019 an addendum Inspector's report was required to consider the submitted NIS and carry out a Stage 2 Appropriate Assessment.

1.0 Stage 2 Appropriate Assessment

- 1.1. A Natura Impact Statement (dated 27th of November 2018) was prepared by Moore Group – Environmental Services and was submitted by the first party in response to matters raised in the third party appeals.
- 1.2. Under Stage 2 Appropriate Assessment it is necessary to establish will the proposed development individually or in combination with other plans or projects adversely affect the integrity of the European sites in view of the sites' conservation objectives.
- 1.3. Having regard to the 'source-pathway-receptor' model the submitted NIS identified potential impacts on South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024). The two European sites are located circa 1.3km to the east of the development site and are connected to the subject lands via the Priory Stream.
- 1.4. The qualifying interests/special conservation interests of the designated sites referenced above, are summarised as follows:

South Dublin Bay cSAC	South Dublin Bay & River Tolka Est. SPA
<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>	<p>Light-bellied Brent Goose [A046]</p> <p>Oystercatcher [A130]</p> <p>Ringed Plover [A137]</p> <p>Grey Plover [A141]</p> <p>Knot [A143]</p> <p>Sanderling [A144]</p> <p>Bar-tailed Godwit [A157]</p> <p>Redshank [A162]</p> <p>Dunlin [A149]</p> <p>Black-headed Gull [A179]</p> <p>Roseate Tern [A192]</p> <p>Common Tern [A193]</p> <p>Arctic Tern [A194]</p> <p>Wetlands & Waterbirds [A999]</p>

The Conservation Objectives for South Dublin Bay SAC (000210) are as follows;

1140 Mud flats and sandflats not covered by seawater at low tide			
To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC, which is defined by the following list of attributes and targets:			
Attribute	Measure	Target	Notes
Habitat area	Hectares	The permanent habitat area is stable or increasing, subject to	Habitat area was estimated using OSi data as 720ha

		natural processes. See map 3	
Community extent	Hectares	Maintain the extent of the Zostera-dominated community, subject to natural processes. See map 4	Based on an intertidal survey undertaken in 2011 (MERC, 2012). See marine supporting document for further information
Community structure: Zostera density	Shoots/m ²	Conserve the high quality of the Zostera-dominated community, subject to natural processes	Based on an intertidal survey undertaken in 2011 (MERC, 2012). See marine supporting document for further details
Community distribution	Hectares	Conserve the following community type in a natural condition: Fine sands with Angulus tenuis community complex. See map 4	Based on intertidal surveys undertaken in 2006 (Aquafact, 2006) and 2011 (MERC, 2012). See marine supporting document for further information

The Conservation Objectives for South Dublin Bay and River Tolka Estuary SPA (004024) are to maintain the favourable conservation condition of each qualifying bird species in the Natura 2000 site. Specific Conservation Objectives are as follows;

A046 Brent Goose Branta bernicla hrota			
To maintain the favourable conservation condition of Light-bellied Brent Goose in South Dublin Bay and River Tolka Estuary SPA, which is defined by the following list of attributes and targets:			
Attribute	Measure	Target	Notes
Population trend	Percentage change	Long term population trend stable or increasing	Waterbird population trends are presented in part four of the conservation objectives supporting document

Distribution	Range, timing and intensity of use of areas	No significant decrease in the range, timing or intensity of use of areas by light-bellied brent goose, other than that occurring from natural patterns of variation	Waterbird distribution from the 2011/2012 waterbird survey programme is discussed in part five of the conservation objectives supporting document
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A192 Roseate Tern <i>Sterna dougallii</i>		
To maintain the favourable conservation condition of Roseate Tern in South Dublin Bay and River Tolka Estuary SPA, which is defined by the following list of attributes and targets:		
Attribute	Measure	Target
Passage population: individuals	Number	No significant decline
Distribution: roosting areas	Number; location; area (hectares)	No significant decline
Prey biomass available	Kilogrammes	No significant decline
Barriers to connectivity	Number; location; shape; area (hectares)	No significant increase
Disturbance at roosting site	Level of impact	Human activities should occur at levels that do not adversely affect the numbers of roseate tern among the post-breeding aggregation of terns

A193 Common Tern <i>Sterna hirundo</i>		
To maintain the favourable conservation condition of Common Tern in South Dublin Bay and River Tolka Estuary SPA, which is defined by the following list of attributes and targets:		
Attribute	Measure	Target
Breeding population abundance: apparently occupied nests	Number	No significant decline

(AONs)		
Productivity rate: fledged young per breeding pair	Mean number	No significant decline
Passage population: individuals	Number	No significant decline
Distribution: breeding colonies	Number	No significant decline
Distribution: roosting areas	Number; location; area (Hectares)	No significant decline
Prey biomass available	Kilogrammes	No significant decline
Barriers to connectivity	Number; location; shape; area (hectares)	No significant increase
Disturbance at breeding site	Level of impact	Human activities should occur at levels that do not adversely affect the breeding common tern population
Disturbance at roosting site	Level of impact	Human activities should occur at levels that do not adversely affect the numbers of common tern among the post-breeding aggregation of terns

A194 Arctic Tern *Sterna paradisaea*

To maintain the favourable conservation condition of Arctic Tern in South Dublin Bay and River Tolka Estuary SPA, which is defined by the following list of attributes and targets:

Attribute	Measure	Target
Passage population	Number of individuals	No significant decline
Distribution: roosting areas	Number; location; area (hectares)	No significant decline
Prey biomass available	Kilogrammes	No significant decline
Barriers to connectivity	Number; location; shape; area (hectares)	No significant increase
Disturbance at roosting site	Level of impact	Human activities should occur at levels that do not adversely affect the numbers of Arctic tern

		among the post-breeding aggregation of terns
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A999 Wetlands		
To maintain the favourable conservation condition of the wetland habitat in South Dublin Bay and River Tolka Estuary SPA as a resource for the regularly occurring migratory waterbirds that utilise it. This is defined by the following attribute and target:		
Attribute	Measure	Target
Habitat area	Hectares	The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 2,192 hectares, other than that occurring from natural patterns of variation. See map 3

- 1.5. In the case of these two European sites, potential effects arising have been outlined in Section 3.3.5 of the NIS. It is set out in the NIS that there would be no direct effects upon South Dublin Bay SAC or the South Dublin Bay and River Tolka Estuary SPA Natura 2000 sites. There would be no direct habitat loss or fragmentation as a result of the proposed project. The only potential indirect adverse effects on the integrity of the two relevant European sites arise from potential construction-related surface water discharges from the proposed development and the potential for these effects to reach downstream European sites.
- 1.6. In the absence of mitigation, accidental spillage of oils, cement or other potential pollutants, during construction works could potentially be released into the surface/storm water drainage network and ultimately to Dublin Bay via the Priory stream.
- 1.7. It was identified in the NIS that having regard to the source-pathway-receptor model, that potential effects could arise if considering a worst case scenario whereby the project may result in a significant detrimental change in water quality in South Dublin Bay either alone or in combination with other projects or plans as a result of indirect

pollution. The effect would have to be considered in terms of changes in water quality which would significantly affect the habitats or food sources for which the South Dublin Bay European sites are designated in particular the sand and mudflats habitats which provide food sources and habitats for protected birds.

- 1.8. The only potential adverse effects on the integrity of the two relevant European sites arises from potential construction-related surface water discharges from the proposed development and the potential for these effects to reach downstream European sites. It is submitted that standard best practice construction methodology will be carried out in accordance with a Construction Management Plan to be implemented during the construction phase. Management measures will include appropriate site-specific measures from the CIRIA Report C532 Control of Water Pollution from Construction Sites.
- 1.9. Mitigation measures have been outlined in section 3.6 of the submitted NIS, which state that a construction management plan will be carried out in order to avoid indirect pollution of the water course during construction. Mitigation measures include:
 - All re-fuelling of plant, equipment and vehicles will be carried out either offsite or at construction compound.
 - All fuels, chemicals, liquid and solid waste will be stored in areas bunded in accordance with established best practice guidelines at the construction compound also;
 - Provision of spill kits; and
 - Provision of a water and sediment management plan, providing for means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local water courses or drains.
 - In my opinion, these are considered to be essentially best practice construction measures.

- In relation to 'in combination' effects it is concluded in the NIS that given the inclusion of best practice construction measures to be implemented during the construction phase, there are no predicted in-combination effects.

- 1.10. The submitted NIS reviewed the predicted effects arising from the project and found that with the implementation of appropriate mitigation measures specifically in relation to surface water that adverse effects upon the integrity of the South Dublin Bay SAC and South Dublin Bay and River Tolka SPA can be ruled out.
- 1.11. It is concluded in the NIS that the implementation or operation of the project under the conditions of appropriate planning will not result in adverse effects to the conservation objectives or integrity of the South Dublin Bay SAC and the South Dublin Bay and River Tolka SPA, or any other European Site, either alone or in combination with other plans and projects.
- 1.12. Having regard to all of the above and having examined the information before me, I am satisfied that the mitigation measures to be put in place, which are essentially best practice construction measures, will ensure that the conservation objectives and integrity of the Natura 2000 sites identified above and that they will not be adversely affected by construction-related surface water discharges from the proposed development. I consider that the proposed measures are clearly described, are reasonable, practical and enforceable. I also consider that they fully address the potential impacts arising from the proposed development such that it will not give rise to significant impacts either alone or in combination with other potential impact sources. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the two relevant European sites, in view of their Conservation Objectives.

1.13. In conclusion, having carried out a Stage 2 Appropriate Assessment and concluded that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the European sites in view of the sites' conservation objectives, I would recommend that as per my previous recommendation that permission be granted for the proposed development.

Siobhan Carroll
Planning Inspector

9th of July 2019